

# KING & SPALDING

The motion is granted. The Clerk of Court shall maintain the seal of ECF No. 220 and 223 to be viewable only by the parties and Court personnel. The Clerk shall terminate ECF No. 216.

SO ORDERED.

Dated: 5/14/24

New York, New York  
October 30, 2023

/s/ Alvin K. Hellerstein

Alvin K. Hellerstein  
United States District Judge

King & Spalding LLP  
1185 Avenue of the Americas, 35th Floor  
New York, NY 10036-4003  
Tel: +1 212 556 2100  
Fax: +1 212 556 2222  
www.kslaw.com

Randy M. Mastro  
Direct Dial: +1 212 827 4019  
rmastro@kslaw.com

## Via ECF

Hon. Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *The Avon Company f/k/a New Avon LLC, et al. v. Fareva Morton Grove, Inc., et al.*,  
No. 1:22-cv-04724-AKH

Dear Judge Hellerstein:

I write as counsel to Fareva Morton Grove, Inc. and Fareva S.A. (collectively, “Fareva”) in the above-captioned action to respectfully request that the Court enter an order maintaining under seal the documents listed below, which Fareva is submitting as exhibits in support of Fareva’s Brief Regarding Avon’s Claimed Liquidated Damages and Additional Discovery Needed in The Case (the “Brief”). Copies of these documents and Fareva’s Brief are being filed contemporaneously under seal pursuant to the Court’s standing order, 19-mc-00583, and Your Honor’s Individual Rule 4(B). In support of this letter motion, Fareva states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”). *See* ECF No. 65. The Protective Order permits either party to designate Discovery Material as “Confidential” or “Attorneys’ Eyes Only.” *See id.* ¶¶ 2, 12. In support of its Brief, Fareva is submitting as exhibits copies of the following documents, which Avon produced in this action with the designation of “Confidential” pursuant to the Protective Order (collectively, the “Avon Confidential Documents”):

1. A PowerPoint presentation bearing bates numbers AVON0000833–AVON0000836 (Ex. 4).
2. An e-mail thread bearing bates numbers AVON0081215–AVON0081218 (Ex. 5).
3. A PowerPoint presentation bearing bates numbers AVON0078374–AVON0078385 (Ex. 6).
4. An Excel spreadsheet bearing bates number AVON083501 (Ex. 7).

5. Electronic chat messages bearing bates numbers AVON0084822–AVON0084823 (Ex. 8).
6. An e-mail thread bearing bates numbers AVON0083164–AVON0083169 (Ex. 9).
7. A letter agreement between Fareva and Avon bearing bates numbers AVON0005387–AVON0005410 (Ex. 10).
8. A PowerPoint presentation bearing bates numbers AVON0073919–AVON0073926 (Ex. 11).
9. An e-mail thread bearing bates numbers AVON0005050–AVON0005052 (Ex. 12).
10. Electronic chat messages bearing bates numbers AVON0084828–AVON0084829 (Ex. 13).
11. The “Summary” tab of an Excel spreadsheet bearing bates number AVON0070012 (Ex. 14).
12. An e-mail thread bearing bates numbers AVON0082632–AVON0082638 (Ex. 15).
13. An Excel spreadsheet bearing bates number AVON0086736 (Ex. 16).
14. An e-mail thread bearing bates numbers AVON0083190–AVON0083195 (Ex. 17).
15. The “Notes” tab of an Excel spreadsheet bearing bates number AVON0002389 (Ex. 18).
16. An Excel spreadsheet bearing bates number AVON0001284 (Ex. 19).
17. A PowerPoint presentation bearing bates numbers AVON0073937–AVON0073956 (Ex. 20).
18. A portion of the “Tracker” tab of an Excel spreadsheet bearing bates number AVON0070012 (Ex. 21).
19. An e-mail thread bearing bates numbers AVON0067758–AVON0067760 (Ex. 22).
20. A letter bearing bates numbers AVON0000554–AVON0000555 (Ex. 24).
21. A letter bearing bates numbers AVON0000558–AVON0000559 (Ex. 25).
22. A letter bearing bates numbers AVON0000567–AVON0000569 (Ex. 28).
23. A letter bearing bates numbers AVON0000573–AVON0000574 (Ex. 29).
24. A letter bearing bates number AVON0000563 (Ex. 31).
25. An email thread bearing bates numbers AVON0004558–AVON0004574 (Ex. 32).

By making this sealing request with respect to the Avon Confidential Documents, Fareva does not contend that good cause exists to designate any of the foregoing materials as Confidential within the meaning of the Protective Order, or to maintain these documents under seal on the public docket. Fareva merely seeks to comply with its obligations under the Protective Order with respect to documents Avon has designated as Confidential and to afford Avon the opportunity to seek to maintain these documents under seal. Accordingly, Fareva respectfully requests that the Court initially maintain such documents under seal, subject to the Court's review of Avon's position on whether these documents should be maintained under seal. In addition to submitting the Avon Confidential Documents as exhibits in support of its Brief, Fareva also quotes and/or describes information derived from the Avon Confidential Documents in the Brief. Fareva has redacted portions of its Brief accordingly and, for the same reasons, also respectfully requests that the Court initially maintain under seal the redacted portions of Fareva's Brief. As needed, Fareva is prepared to re-file the Avon Confidential Documents or its Brief, or portions thereof, publicly.

Finally, in addition to the Avon Confidential Documents, Fareva is also submitting as an exhibit in support of its Brief a letter bearing bates numbers FMG\_00740053–FMG\_00740055 (Ex. 23), which contains bank account information that is presumptively protected under Your Honor's Individual Rule 4(B)(i) and Federal Rule of Civil Procedure 5.2. Accordingly, Fareva also respectfully requests that the Court maintain this document under seal.

As always, we thank the Court for its consideration.

Respectfully submitted,

/s/ Randy M. Mastro  
Randy M. Mastro

cc: All counsel of record (via ECF)